

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PHILIP L. TROPEANO,
PETER TROPEANO, and
CAROLYN PATTON,

Plaintiffs,

V.

CHARLENE DORMAN,
 BIANCA DORMAN,
 LYDIA DORMAN,
 TODD DORMAN,
 T&N REALTY TRUST, and
 CAPTAIN PARKER ARMS PARTNERSHIP,

Defendants.

CIVIL ACTION
NO. 03-CV-12231-RGS

AFFIDAVIT OF ATTORNEY CHRISTINE O'CONNOR

I, Christine O'Connor, hereby depose and state as follows:

1. I am an attorney at Edwards Angell Palmer & Dodge LLP and co-counsel to the Defendants in this action. This affidavit is based upon my personal knowledge.

2. On November 21, 2006, at 4:14 p.m., I received an electronic notification that the Court had scheduled a hearing on Plaintiffs' previously denied Motion for Real Estate Attachment. By that notice, Defendants learned for the first time that the Court had permitted Plaintiffs to renew their Motion for Real Estate Attachment without filing a formal motion seeking renewal thereof.

3. I immediately attempted to contact the Court's Clerk in order to alert the Court to Defendants' intent to oppose Plaintiffs' Motion. Ms. Mary Johnson, the Courtroom Clerk, was not available to receive my call, so I left her a voicemail message. My message indicated that

Defendants intended to oppose Plaintiffs' Motion but, given the fact that the initial motion had been denied and that no new motion had been filed, Defendants needed advice on how to proceed and when Defendants' opposition papers would be due.

4. Ms. Johnson returned my call later that evening. She stated that that the Court would permit Defendants to file an opposition and that, pursuant to Local Rule 7.1(B)(2), the opposition was to be filed within fourteen days.

5. On Monday, December 4, 2006 and on Tuesday, December 5, 2006, I left Ms. Johnson voicemail messages concerning the deadline for filing Defendants' opposition. Ms. Johnson returned my call on December 5, 2005. During our conversation, Ms. Johnson stated that Defendants could have until the close of business on Friday, December 8, 2006 to file their papers in opposition to the Motion for Real Estate Attachment.

6. On December 8, 2006, the Defendants' opposition papers were timely filed with the Court, electronically as required.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of December, 2006.

/s/ Christine M. O'Connor
Christine O'Connor

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system pursuant to Local Rule 5.4 will be sent electronically to all other parties.

/s/ Christine M. O'Connor